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SUBJECT: IMPASSE ON KIRKUK: LEADERS DISAGREE BUT OFFER FEW
SOLUTIONS TO BREAK ELECTION LAW DEADLOCK

Classified By: Acting Deputy Chief of Mission Gary A. Grappo for Reason
s 1.4(b) and (d).

SUMMARY

¶1. (C) Iraq's three Presidency Council members acknowledge that efforts to pass an elections law continue to founder on disputes over Kirkuk's participation in the elections. In separate meetings with with either General Odierno and/or CDA and A/DCM October 22, President Jalal Talabani, and Vice Presidents Tariq al Hashemi and Adel Abd al Mehdi expressed frustration with the lack of progress in the Council of Ministers but offered no substantive proposal to break the impasse. While Talabani was sanguine about the ability of the Political Council on National Security (PCNS) to move a compromise forward, he acknowledged that the extra-constitutional body possessed no actual decision-making authority. VPs Hashimi and Abd al Mahdi were less hopeful, however. VP Hashimi voiced no objection in principal to a quota system for Kirkuk, but also warned that if Kirkuk's Turkomen boycott a COR vote on the elections law, Sunnis will follow suit, likely preventing assembly of a quorum. In their interactions with the Iraqis, USG officials underscored the need for on-time elections in Iraq and an elections law that allowed Iraqis a chance to exercise their democratic right. End summary.

ABD AL MAHDI: KIRKUK HOLDING ELECTION "HOSTAGE"

¶2. (C) VP Abd al Mahdi told CDA and A/DCM that Iraq's election is being "held hostage" by the inability of Kurds, Arabs and Turkomen in Kirkuk to reach a compromise on administering the election in Kirkuk. The Kurds refuse to acknowledge that Kirkuk is a special case and want to use the current voter registration list, while the Arab Turkomen demand a quota of seats in Kirkuk and a return to the 2005 voter list. He claimed the Kurds are in no hurry to compromise on an election law because they want to fall back on the 2005 closed list. For their part, the Arab and Turkomen are not moving because they see their status in Kirkuk as more important than an election law, Abd al Mahdi said. He affirmed that most legislators favor open lists, and identified Kirkuk as the main obstacle to passing an elections law.

¶3. (C) When asked by CDA how to separate the election from the long-term status of Kirkuk, Abd al Mahdi said "new factors" must be added to the negotiations but admitted he had "no concrete ideas" how to give each side something by compromising. The Vice President said pressure from the United States could help but warned Iraq needs something within "hours or days" if the election is to be held on time. He warned that the Political Committee on National Security (PCNS) will not solve the issue, and said a compromise is only possible by working with Masoud Barzani and the Turkomen in Kirkuk.

¶4. (C) He also suggested that the U.S. use economic incentives to encourage Masoud Barzani in addition to assuring him that the national election will set no precedent regarding the status of Kirkuk. Abd al Mahdi predicted that Barzani would negotiate "at the last minute" and that the Turkish government could help influence the Turkomen, who see Kirkuk as essential for their long-term viability in Iraq. CDA encouraged Abd al Mahdi to also personally engage with Barzani on the election law.

TALABANI: POSTPONING ELECTIONS "IMPOSSIBLE"

¶5. (C) On October 22, Charge d'Affaires, CG, and A/DCM met Q5. (C) On October 22, Charge d'Affaires, CG, and A/DCM met with President Talabani to discuss the impasse over the draft election law. He mentioned that House Speaker Ayad Sammaraie had requested Talabani to convene the PCNS and, in the next few days, he will meet with several political blocs to review proposed terms for a draft elections law. Talabani said he awaits PM Maliki's return before scheduling the PCNS, explaining that Maliki is the Deputy Chair. The PCNS can only offer a non-binding agreement, he warned, but since it is comprised of Iraq's main political party leaders, its advice is influential. Talabani opined that the Sunnis are not united and neither are the Turkomen, cheerfully adding that "democracy is very wide in Iraq." Talabani was confident that the PCNS could crystallize a unified proposal on the draft law but also said that U.S. intervention with KRG President Masoud Barzani would be very useful.

¶6. (C) The President underscored that it is "impossible" to

BAGHDAD 00002856 002 OF 003

postpone elections, warning that a delay would cause a political vacuum that could seriously harm the country. He indicated that he personally supports open list but rejects an increase in the number of parliamentary seats from 275 to the proposed 311, reasoning that the number of parliamentary seats must be proportional to the country's population and a census has not been conducted to reflect changes in population. He added that the Shi'a also reject an increase in the number of seats because they are afraid it will bring "too many Sunnis" into parliament.

¶7. (C) Stating the Kurds' official position, Talabani said that he supported the establishment of a committee to review the voter registration lists in areas where "an unusual increase in population" has occurred, thereby avoiding the specific mention of Kirkuk, a Kurd redline and this including other provinces such as Mosul and Diyala. Talabani said that Kirkuk must participate in the elections and reiterated that the Kurds will not accept a law that singles out a special arrangement for Kirkuk. He linked any review of Kirkuk to a review of Mosul. Even if the proposal for compensatory seats recognizes that the Kurds are a majority in Kirkuk, Talabani said the Kurds have to reject compensatory seats because the High Court has deemed this unconstitutional. Nevertheless, he pointedly added, such a pre-arranged seat allocation might be necessary to break the impasse over Kirkuk and offered that a "private arrangement" (NFI) involving a coordinated electoral list for Kirkuk might work.

HASHIMI: "TENSION GROWING" IN PARLIAMENT OVER KIRKUK

¶8. (C) In A/DCM's meeting, Vice President Hashimi noted that "tension has grown" in parliament as efforts to pass an election law continue to founder on disagreements over Kirkuk. Open versus closed lists (i.e., ballots listing individual candidates versus listing only political parties/coalitions) are not even being discussed, he said, because lawmakers are so focused on Kirkuk. He acknowledged the urgency of passing an elections law highlighted by A/DCM, and supported postponing negotiations over Kirkuk's status

until after elections. He blamed "elements" of parliament for purposely delaying the legislative process. Hashimi added that the PCNS is not a mechanism for decision making and has no constitutional authority. "I don't know what pushed the Speaker (of parliament) to push (the election law) to the Council," he said.

¶9. (C) Hashimi explained that on Kirkuk, the number of voters is the primary concern. "The number of Kirkuk voters should be the same as 2005, and this should apply only to the 2010 elections," he said without offering how to practically limit voter participation. Hashimi continued that if the Kurds support participation by Kurdish returnees to Kirkuk, they must also allow for voting by Arab Sunnis who have been displaced both inside and outside Iraq.

¶10. (C) Hashimi advised that the U.S. will have to press the Kurds on the issue. "You have to urge the Kurds to accept a suitable compromise. They might lose thousands of votes but so could displaced Sunni families. The Kurds must compromise for the good of the country." Hashimi said that he would not oppose a quota system for Kirkuk representation in parliament if such an agreement is reached. Yet, he asserted, if Kirkuk's Turkomen boycott the COR's vote on an unacceptable elections law, Sunnis throughout Iraq would follow their lead.

NEW COALITION COMING SOON?

¶11. (C) Turning to his own political fortunes, Hashimi stated that he plans to announce shortly a new political coalition to compete in parliamentary elections, called the "Iraq National Front." According to Hashimi, prospective coalition members include: former PM Ayad Allawi; Deputy Prime Minister Rafi al Issawi; Sunni MPs Osama al Nujaifi and Saleh Mutlaq; and smaller Shi'a parties from Karbala and Basra. Hashimi declared that the coalition will be non-sectarian and the only one expressly dedicated to a liberal vision for Iraq.

COMMENT

¶12. (C) The meetings revealed no evolving solution to the COR deadlock over Kirkuk and the elections law. Talabani's hopeful discussions with party bloc leaders will likely confirm what is already well known about the various contending positions. Iraq's consensual approach to

BAGHDAD 00002856 003 OF 003

democracy has essentially paralyzed its legislative process, possibly suggesting that, absent an unlikely up or down vote on each of the competing amendments, eventual acceptance of the lowest common denominator may be the only outcome achievable. End comment.
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